

Remarks

Favorable reconsideration of this application, in view of the following remarks and discussion, is respectfully requested.

Claims 1-17 are currently pending in the application.

Applicants express thanks for the Examiner's indication that dependent Claims 4-16 are objected to, and therefore presumably would be allowable if rewritten in independent form.

In the outstanding Office Action, Claim 2 was rejected under 35 U.S.C. § 112, second paragraph. In response, Applicants respectfully request that the rejection be withdrawn for the following reasons.

The Office Action seems to assert that because "claim 1 recites the broad recitation M is an integer of at least 2 and [claim 2] recites M is an integer equal to 2 which is a narrower statement of the range [of claim 1]" the claim is indefinite. Applicants respectfully traverse this assertion, and respectfully assert that in accordance with MPEP § 608.01(n) and 37 C.F.R. § 1.75(c), dependent Claim 2 properly "refer[s] back to and further limit[s] another claim."¹ Specifically, Applicants respectfully assert that independent Claim 1 recites that "M is an integer of at least 2" (i.e., M is an integer of 2 or more), and dependent Claim 2, which refers back to independent Claim 1, recites the further limitation that "M is an integer equal to 2."

Further, Applicants respectfully assert that the Office Action's statement that "[a] broad range or limitation with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite" is not applicable. Rather, Applicants respectfully assert that independent Claim 1 recites "M is an integer of at least 2," and does not state a different range for M. Further, Applicants respectfully assert that dependent Claim 2, which is a different claim than independent Claim 1, recites "M is an integer equal to 2,"

¹ Applicants respectfully assert that MPEP § 608.01(n) advises the Examiner that "[c]laims which are in improper independent form for failing to further limit the subject matter of a previous claim should be objected to under 37 C.F.R. 1.75(c)."

properly further limits independent Claim 1.

Thus, for the above reasons, Applicants respectfully request that the rejection of dependent Claim 2 under 35 U.S.C. § 112 be withdrawn.

In the Office Action, Claims 1-3 and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 5-7, and 13-15 of U.S. Patent No. 6,416,162. Applicants respectfully request withdrawal of the rejection in view of Applicants' previous submission of a terminal disclaimer with an Amendment filed on March 4, 2003, acknowledged on page 3, paragraph 5, of the Office Action mailed May 21, 2003.

Thus, for the above reasons, Applicants respectfully request that the rejection of Claims 1-3 and 17, and the objection of dependent Claims 4-16, be withdrawn, and Claims 1-17 be allowed.

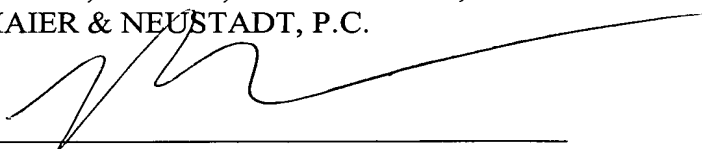
Consequently, in view of the present response, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-17 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

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Respectfully submitted,

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